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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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021171
STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON DC 20001

WM31/0926

EXAMINER

POON, K	
ART UNIT	PAPER NUMBER

2624

DATE MAILED:

09/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. *

08/991,855

Applicant(s)

Takahiro Kii, et al.

Examiner

King Y. Poon

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/20/2000, 6/4/2001, and 7/13/2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

DOV POPOVICI
PRIMARY EXAMINER

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on 7/13/2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/991,855 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-22, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peter et al. (U.S. Patent # 5893098) and Pinter (U.S. Patent # 5894506)

Regarding claim 1: Peter teaches an electronic news system (fig. 13) managing electronic messages (see the question of options that best describes a vehicle of fig. 6) and a reply, (see fig. 6 and see abstract) to the message comprising: storage means (# 102 of fig. 13, fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing data for a fixed form reply; control means (2 of fig. 1, abstract) for accepting a selection out of an outputted data for a reply (see column 8 line 48-55); and output means (2 of fig. 1, abstract and note) for outputting the

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data for a reply (survey document reply data) back to a collation means. (See column 8 line 53-54).

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allows the user(s) to

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keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 2: Peter teaches a fixed form reply managing means (collation mean, column 8, lines 63) for managing a plurality of replies by data for respectively specifying the plurality of replies, (the survey document and its data, column 8 line 63-68, column 9 line 1-19) and totaling means (adding, column 4, lines 25-27, of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition) for totaling a number of the selection of each of fixed form replies as the reply to the message, and storing results of the totalization of each of fixed form replies to the message in relation to said specifying data. (graphic plot with added and manipulated data, column 4 line 25-27).

Regarding claim 3 and 4: Peter teaches the control means has means for accepting an input of a free form reply by the respondent user in reply to the survey message, (See column 8 line 48-57), and managing the inputted free form reply in relation to data to specify the message. (Managing free form reply data associated with the message (fig. 6) by constructing a data base for it, Column 8, lines 48-57).

Regarding claim 6: Peter teaches wherein the control means includes means for causing the output means to output data for a fixed form reply of the kind which fits contents of the message. (See a respondent for producing a response document with replies which fits contents

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of the message, and automatically transmit (causing the output means to output data) the reply back to a collation mean, column 8, lines 39-55).

Regarding claim 7: Peter et al teaches an electronic news system (fig. 1 and fig. 13) including a client apparatus (# 7 of fig.1) and a server apparatus (# 1, 2 of fig.1) which manages an electronic message (see the question of options that best describes a vehicle of fig. 6) and a reply to the message transmitted from the client apparatus (see abstract) the client apparatus comprising: storage mean (fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing data for a fix form reply (see column 8 line 55-57), a control mean (see processing apparatus of column 12 line 10) for accepting a selection out of an outputted data for a reply to the message (see fig. 6, and column 8 line 48-55), output means (the output means used to output the response document, column 8, line 53) for outputting the data for reply; and a communication control means (the control of the output means)for transmitting the selection to the server apparatus.

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column

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1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allows the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 8: Peter teaches means for accepting an input of a free form reply to the message reply in the control means (see column 8 line 51-52, and fig. 6), and the server apparatus comprises free form reply managing means for managing the free form reply (see 102 and collator of fig. 13) transmitted from the client apparatus in relation to data for specifying the message. (See the reply associated with the message from the client in the server by loading the

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data base with replies, such that the replies associate with the message are all conveniently presented in the database, column 8 line 54-59, and column 4 line 24-27).

Regarding claim 9: Peter teaches an electronic news system (fig. 1, fig. 13) having a client (8 of fig. 1) and a server apparatus (1 of fig. 1) which manages electronic messages (response document of column 8 line 53) transmitted from the client, (see abstract, column 8 line 45-59, column 4 line 24-27) the server apparatus comprising: storage mean (fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing data for a fixed form reply, and a communication control means for transmitting data for a reply to the client apparatus; (See column 2 line 62, fig. 6); the client apparatus comprising: a receiving control means (column 12 line 10, the processor used to control receiving of data) for receiving data for a reply sent from the server apparatus, (see column 8 line 45-46), output means (the processor, column 12, line 10, used to control outputting of data) for outputting the received data for a reply in a screen (see fig. 6) and; a control means (column 8 line 50) for accepting the selection (fig.6) out of the outputted data for a reply (see column 8 line 48-55) as a reply to the message, and transmission control means (the control used to transmit the response, column 8, line 53) for controlling the transmission for transmitting the selected reply (document) to the server apparatus. (See column 8 line 50-55, 2, fig. 1, abstract)

Peter does not specifically disclose that the message and the reply data are stored separately.

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However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allows the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 10: Peter teaches wherein the client apparatus comprises fixed form reply managing means (column 8 line 50) for managing a plurality of fixed form replies by data

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for respectively specifying the plurality of replies (response) (see column 8 line 50-68, fig. 6), and communication control means, (control program of the processor used to control data transmission, column 8, lines 53) for transmitting specifying data of the selected reply to the server apparatus as a reply, (See column 8 line 50-67), and the server apparatus comprises communication control means (control used to controlling data receiving, column 3, lines 35-40) for receiving the specifying data transmitted from the client apparatus as a reply, (see column 3 line 35-40), and totaling means (adding, column 4, lines 25-27, of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition) for totaling a number of the selection of each reply as the reply to the message based on the specifying data, and storing the results of the totalization of each reply to the message in relation the specifying data. (graphic plot with added and manipulated data, column 4 line 25-27).

Regarding claims 11 and 12: Peter teaches wherein the client apparatus comprises means for accepting an input of a free form reply to the message in a control means (see column 8 line 51-52, and fig. 6); and the server apparatus comprises free form reply managing means for managing free form reply (see 102 and collator of fig. 13, column 8 line 60-68) transmitted from the client apparatus in relation to the data for specifying the message. (column 8 line 54-68, and column 4 line 24-27).

Regarding claim 13: Peter teaches an electronic news system (fig. 1, fig. 13) including a client (8 of fig. 1) apparatus and a server apparatus (1 of fig. 1) which manages an electronic

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message and a reply to the message (response document of column 8 line 53) transmitted from the client apparatus, (see abstract, column 8 line 45-59, column 4 line 24-27) the server apparatus comprising: storage means (fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for storing data for a first fixed form reply, and a communication control means for transmitting the data for the first fixed form reply to the client apparatus; (See column 2 line 62, fig. 6); the client apparatus comprising: a receiving control means (column 12 line 10, the processor used to control receiving of data) for receiving the first data for the first fixed form reply sent from the server apparatus, (see column 8 line 45-46), storing means (the storage in the client that is used to store the E-mail, column 3, lines 5-30, column 4, lines 25-50) for storing data for second fixed form reply, (two fixed form reply, column 4, lines 25-48), output means (the processor, column 12, line 10, used to control outputting of data) for outputting data for the first or second fixed form reply in a screen (see fig. 6) and; control means (column 8 line 50) for accepting a selection (fig.6) out of the outputted data for the first fixed form reply (see column 8 line 48-55) based on the category (the category of person that like chocolate, column 4, lines 35-50) of the message as the reply to the message, and means for controlling transmission (the control used to transmit the response, column 8, line 53) for transmitting the selected reply (document) out of the data for the first or second fixed form reply to the server apparatus. (See column 8 line 50-55, 2, fig. 1, abstract).

Peter does not specifically disclose that the message and the reply data are stored separately.

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However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allows the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

Regarding claim 14: Peter teaches that the server apparatus comprises: fixed form reply managing means (2 of column 12 line 5-6) for managing a plurality of first fixed form replies

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(fig. 6, and fig. 8) with data for respectively specifying (see the specifying reply data of fig. 6, fig. 8) the replies, and means (column 3 line 5-17) for transmitting the specifying data of the first fixed form reply to the client apparatus along with the reply. The client apparatus comprises: fixed form reply managing means (see respondent control means of column 8 line 49-50) for managing a plurality of second fixed form replies (fig. 8) with the data for respectively specifying said replies, (column 8 line 45-68) and means (2 of column 12 line 5-6, abstract) for causing the transmission controlling means to transmit the selected second reply or the selected specifying data of the first reply to the server apparatus as a reply. (see column 8 line 50-55) The server apparatus further comprises: means (column 3 line 5-17) for transmitting specifying data of the second fixed form reply to the client apparatus; means (collator of fig. 13, abstract) for receiving the second reply or specifying data of the first reply transmitted from the client apparatus as a reply in the communication control means; and totaling means (adding, column 4, lines 25-27, of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition) for totaling a number of the selections of each reply as the reply to the message based on the specifying data, and storing the results of the totalization of each reply to the message in relation the specifying data. (graphic plot with added and manipulated data, column 4 line 25-27). The client apparatus further comprises: means for receiving (see processing apparatus of column 12 line 10) the specifying data of the second fixed form reply sent from the server apparatus in the receiving control means, (abstract) and means (see display of 7 of fig. 1,

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and processing apparatus of column 12 line 10) for outputting the stored second fixed form reply based on the specifying data in the output means.

Regarding claims 15 and 16: Peter teaches wherein the client apparatus comprises means for accepting an input of a free form reply (response) to the message, in a control means (see column 8 line 51-52, and fig. 6), and the server apparatus comprises free form reply managing means for managing the free form reply (see 102 and collator of fig. 13) in relation to data for specifying the reply message (column 8 line 60-68) transmitted from the client, in the server by loading the data base with replies, such that the replies are all conveniently presented in the database. (See column 8 line 54-59, and column 4 line 24-27).

Regarding claims 17-20: Peter teaches a recording medium (column 10 line 11) readable by a computer to control the system of claims 1-4.

Regarding claims 21: Peter et al teaches a message system to process (manage) electronic message and reply (see abstract) comprising: a reply data storage device storing a plurality of fixed form replies set (see bulletin board and column 3 line 1-13); a controller (the control of the computer used as a bulletin board e.g. # 1 of fig. 1) for receiving a message (yes, of column 4, lines 30-50) from a host (2, fig. 1, abstract) and allowing a user to select a reply from the selected fix form reply set (see column 4, lines 35-40) stored in the reply data storage device; and an output device (the control controlling transmitting of data, column 8, line 53) outputting the selected reply to the host. (See column 8 line 53, abstract).

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Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column 1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allows the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

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Regarding claim 22: Peter teaches that the selection of a fixed form reply set is based on a category (yes or no to “do you like chocolate”, column 4, lines 30-50) of the message.

Regarding claim 24: Peter teaches wherein the host receives a plurality of the outputted selected fixed form replies and displays a bar graph illustrating a frequency of responses. (See column 4, lines 24-27, fig. 12, column 20, lines 40-67, column 21, lines 1-10)

Regarding claim 25: Peter teaches a computer readable storage medium storing a computer program (column 10 line 1-35) instructing computers to perform: storing a plurality of fixed form replies set (see bulletin board and column 3, line 1-13), each fixed form reply set containing a plurality of replies; (fig. 6) storing the message; (see bulletin board and column 3 line 1-13, yes of the question “do you like chocolate”, column 4, lines 30-45); receiving the message (column 4, lines 30-50) from a host; (2, fig. 1, abstract) selecting a reply from the selected fix form reply set (yes, or no, column 4, lines 25-50); allowing a user to choose a reply from the selected fixed form reply set; (column 4, lines 25-50); sending the chosen reply to the host (column 8, lines 53).

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Pinter, in the same area of managing an electronic message and a reply to the message, (abstract, column 1, lines 40-65, column 2, lines 1-35) teaches to store a reply data (response options, column 2, lines 34) separately from a message (canned messages, column 2, lines 14, column 1, lines 40-50; the canned messages are stored in a canned message file, column

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1, lines 50-67, and the response options are stored in a multiple response options file, column 2, lines 23-27, column 5, lines 15-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to have modified the electronic system of Peter by: storing the reply data separately from the message.

It would have been obvious to a person having ordinary skill in the art at the time of invention to have modified Peter by the teaching of Pinter because of the following reasons: (a) it would have allowed a user to retrieve and display the message and question quickly, and would have been helpful for the user, (b) it would have allowed the system being easily maintained and altered, (c) it would have provided an improved electronic message system, as taught by Pinter, at column 1, lines 35-40, and (d) storing the "reply data" and the "message" separately provides the advantages of keeping easy inventory of the reply to each message and allows the user(s) to keep track of each reply and each message in a separate file. Thereby, the reply and the message can be easily managed and accessible to the user(s).

4. Claims 5, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters and Pinter as applied to claims 1, and 21 above and further in view of Ginter et al. (U.S. Patent # 5982891).

Regarding claims 5, 23: Peter teaches to select a text and still picture as free form reply.
(Fig. 6)

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Peter in view of Pinter do not teach to select speech, sound, and moving pictures as free form reply.

Ginter et al. teaches that usage information used in a survey (see column 36 line 30-40). transmitted from one party to another can be selected from speech, sound, and moving pictures. (See column 58, line 55-65).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Peter in view of Pinter: by selecting the free form reply to be represented in forms of speech, sound, and moving pictures.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Peter in view of Pinter by the teaching of Ginter et al. because of the following reasons: (a) selecting electronic information to be represented in forms of speech, sound, and moving pictures would have allowed the information being easily understood by a user and would be helpful for the user in making the reply.


Response to Arguments

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892 or to Supervisor Mr. David Moore whose phone number is (703) 308-7452.


DOV POPOVICI
PRIMARY EXAMINER

September 24, 2001